



DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

16571

Office of Hazardous Materials Operations

[49 CFR Part 179]

[Docket No. HM-109; Notice No. 75-3]

TANK CAR HEAD SHIELDS

Withdrawal of Proposal

On April 23, 1975, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-109; Notice No. 75-3 (40 FR 17855). The notice proposed to allow a small opening on a head shield applied to DOT 112A and 114A tank cars built prior to September 1, 1974, so as to permit an existing hand brake bracket to pass through the head shield.

All comments received have been given careful consideration, and it is clear that a lack of agreement exists among the commenters as to the merits and the safety aspects of the proposal. Objections to the proposal were that it would:

1. Require extensive rework with no apparent safety/cost benefit. It is estimated that this requirement would add a minimum of \$250.00 to the retrofit cost of each car;

2. Exclude cars constructed on or after September 1, 1974, for no apparent reason;

3. Permit an opening in the head shield which would provide a "guide" for a broken rail or other sharp object to puncture the head defeating the purpose of the head shield;

4. Cause possible violation of the Federal Railroad Administration's Safety Appliance Standards which require a

four-inch clearance around the rim of the hand brake wheel;

5. Require retrofitting a $\frac{3}{8}$ -inch steel pad that is continuously welded to the head of the tank. This would appear to be technically unsound and result in a reduction of safety;

6. Promulgate a rule without accident/incident experience. Commenters were unaware of any accident/incident where a hand brake, or hand brake bracket has caused a head puncture, and

7. Publish a design standard rather than a performance criteria.

In view of the foregoing, the Office of Hazardous Materials Operations (OHMO) has determined that action on the proposed amendments is not appropriate at the present time, and that Docket No. HM-109; Notice No. 75-3 should be withdrawn. The withdrawal of this proposal, however, does not preclude the OHMO from issuing similar notices in the future or commit the OHMO to any course of action.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (40 FR 17855) on April 23, 1975, and circulated as Docket HM-109; Notice No. 75-3 is hereby withdrawn.

AUTHORITY: (18 U.S.C. 834, 49 CFR 1.53 (g)).

Issued in Washington, D.C. on April 14, 1976.

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Hazardous Materials Operations.

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